

103^D CONGRESS
2^D SESSION

S. 2189

To amend the Federal Land Policy and Management Act of 1976 to provide for ecosystem management, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 14 (legislative day, JUNE 7), 1994

Mr. HATFIELD introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Federal Land Policy and Management Act of 1976 to provide for ecosystem management, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ecosystem Manage-
5 ment Act of 1994”.

6 **SEC. 2. ECOSYSTEM MANAGEMENT.**

7 (a) DEFINITIONS.—Section 103 of the Federal Land
8 Policy and Management Act of 1976 (43 U.S.C. 1702)
9 is amended by adding at the end the following new sub-
10 sections:

1 “(q) The term ‘Indian tribe’ means any Indian tribe,
 2 band, nation, or other organized group or community (in-
 3 cluding any Alaska Native village or Regional Corporation
 4 established pursuant to the Alaska Native Claims Settle-
 5 ment Act (43 U.S.C. 1601 et seq.)) that is recognized as
 6 eligible for the special services provided by the United
 7 States to Indians because of their status as Indians.

8 “(r) The term ‘systems approach’, with respect to an
 9 ecosystem, means an interdisciplinary scientific method of
 10 analyzing the ecosystem as a whole that takes into account
 11 the interconnections of the ecosystem.

12 “(s) The term ‘tribal organization’ has the meaning
 13 given such term in section 4(l) of the Indian Self-Deter-
 14 mination and Education Assistance Act (25 U.S.C.
 15 450b(l)).”.

16 (b) ECOSYSTEM MANAGEMENT.—Title II of the Fed-
 17 eral Land Policy and Management Act of 1976 (43 U.S.C.
 18 1711 et seq.) is amended by adding at the end the follow-
 19 ing new sections:

20 “ECOSYSTEM MANAGEMENT

21 “SEC. 216. It is the policy of the Federal Government
 22 to carry out ecosystem management with respect to public
 23 lands in accordance with the following principles:

24 “(1) Human populations form an integral part
 25 of ecosystems.

1 “(2) It is important to address human needs in
2 the context of other environmental attributes—

3 “(A) in recognition of the dependency of
4 human economies on viable ecosystems; and

5 “(B) in order to ensure diverse, healthy,
6 productive, and sustainable ecosystems.

7 “(3) A systems approach to ecosystem manage-
8 ment furthers the goal of conserving biodiversity.

9 “(4) Ecosystem management provides for the
10 following:

11 “(A) The promotion of the stewardship of
12 natural resources.

13 “(B) The formation of partnerships of
14 public and private interests to achieve shared
15 goals for the stewardship of natural resources.

16 “(C) The promotion of public participation
17 in decisions and activities related to the stew-
18 ardship of natural resources.

19 “(D) The use of the best available sci-
20 entific knowledge and technology to achieve the
21 stewardship of natural resources.

22 “(E) The establishment of cooperative
23 planning and management activities to protect
24 and manage ecosystems that cross jurisdictional
25 boundaries.

1 “(F) The implementation of cooperative,
2 coordinated planning activities among Federal,
3 tribal, State, local, and private landowners.

4 “ECOSYSTEM MANAGEMENT COMMISSION

5 “SEC. 217. (a) ESTABLISHMENT.—There is estab-
6 lished an Ecosystem Management Commission (referred
7 to in this section as the ‘Commission’).

8 “(b) PURPOSES OF THE COMMISSION.—The purposes
9 of the Commission are as follows:

10 “(1) To advise the Secretary and Congress con-
11 cerning policies relating to ecosystem management
12 on public lands.

13 “(2) To examine opportunities for and con-
14 straints on achieving cooperative and coordinated
15 ecosystem management strategies that provide for
16 cooperation between the Federal Government and
17 Indian tribes, States and political subdivisions of
18 States, and private landowners to incorporate a
19 multijurisdictional approach to ecosystem manage-
20 ment.

21 “(c) MEMBERS.—The Commission shall consist of
22 the following 16 individuals:

23 “(1) From the Committee on Energy and Natu-
24 ral Resources of the Senate:

1 “(A) The Chairman (or a designee of the
2 Chairman) and the Ranking Minority Member
3 (or a designee of the Member).

4 “(B) The Chairman (or a designee of the
5 Chairman) and the Ranking Minority Member
6 (or a designee of the Member) of the Sub-
7 committee on Public Lands, National Parks
8 and Forests.

9 “(2) From the Committee on Appropriations of
10 the Senate:

11 “(A) The Chairman (or a designee of the
12 Chairman) and the Ranking Minority Member
13 (or a designee of the Member).

14 “(B) The Chairman (or a designee of the
15 Chairman) and the Ranking Minority Member
16 (or a designee of the Member) of the Sub-
17 committee on Interior and Related Agencies.

18 “(3) From the Committee on Natural Re-
19 sources of the House of Representatives:

20 “(A) The Chairman (or a designee of the
21 Chairman) and the Ranking Minority Member
22 (or a designee of the Member).

23 “(B) The Chairman (or a designee of the
24 Chairman) and the Ranking Minority Member
25 (or a designee of the Member) of the Sub-

1 committee on National Parks, Forests, and
2 Public Lands.

3 “(4) From the Committee on Appropriations of
4 the House of Representatives:

5 “(A) The Chairman (or a designee of the
6 Chairman) and the Ranking Minority Member
7 (or a designee of the Member).

8 “(B) The Chairman (or a designee of the
9 Chairman) and the Ranking Minority Member
10 (or a designee of the Member) of the Sub-
11 committee on Interior.

12 “(d) CHAIRMAN.—The Commission shall elect a
13 Chairman from among the members of the Commission.

14 “(e) DUTIES OF THE COMMISSION.—The duties of
15 the Commission are as follows:

16 “(1) To conduct studies to accomplish the fol-
17 lowing:

18 “(A) To develop, in a manner consistent
19 with section 216, a definition of the term ‘eco-
20 system management’.

21 “(B) To identify appropriate geographic
22 scales for coordinated ecosystem-based plan-
23 ning.

24 “(C) To identify, with respect to the Fed-
25 eral Government, the governments of Indian

1 tribes, States and political subdivisions of
2 States, and private landowners, constraints on,
3 and opportunities for, ecosystem management
4 in order to facilitate the coordination of plan-
5 ning activities for ecosystem management
6 among the governments and private land-
7 owners.

8 “(D) To identify strategies for implement-
9 ing ecosystem management that recognize the
10 following:

11 “(i) The role of human populations in
12 the operation of ecosystems.

13 “(ii) The dependency of human popu-
14 lations on sustainable ecosystems for the
15 production of goods and the provision of
16 services.

17 “(E) To examine this Act, and each other
18 Federal law or policy that directly or indirectly
19 affects the management of public lands, includ-
20 ing Federal lands that have been withdrawn
21 from the public domain, to determine whether
22 any legislation or changes to administrative
23 policies, practices, or procedures are necessary
24 to facilitate ecosystem management by the Fed-

1 eral Government in accordance with section
2 216.

3 “(F) To examine the budget and operation
4 of each Federal department or agency with re-
5 sponsibilities related to ecosystem management
6 to determine whether changes are needed to fa-
7 cilitate ecosystem management.

8 “(G) To identify incentives, such as trust
9 funds, to encourage Indian tribes, States and
10 political subdivisions of States, and private
11 landowners to assist the Federal Government in
12 the development of ecosystem management
13 strategies.

14 “(H) To identify disincentives that may be
15 used to discourage the entities described in sub-
16 paragraph (G) from refusing to assist the Fed-
17 eral Government in the development of eco-
18 system management strategies.

19 “(I) To determine the necessity for one or
20 more governmental entities—

21 “(i) to establish a new river basin
22 commission or other regional entity,

23 “(ii) to enter into a new interstate
24 compact, or

25 “(iii) to take any other related action,

1 in order to facilitate the implementation of eco-
2 system management and to ensure the coordi-
3 nation of planning activities with other govern-
4 mental entities in a manner consistent with sec-
5 tion 216 and this section.

6 “(J) To identify, through the use of case
7 studies that represent different regions of the
8 United States (including the Columbia River
9 Basin in the Western United States and the
10 New York-New Jersey Highlands area in the
11 Eastern United States), opportunities for and
12 constraints on the coordination of planning ac-
13 tivities of the Federal Government, Indian
14 tribes, State governments, and the governments
15 of political subdivisions of States, and private
16 landowners to accomplish the following:

17 “(i) To implement ecosystem manage-
18 ment.

19 “(ii) To serve as a framework for co-
20 operative planning efforts across the
21 United States.

22 “(2) To develop recommendations concerning
23 the findings of the studies described in paragraph
24 (1).

1 “(3) To submit to Congress and the Secretary,
2 not later than 1 year after the date of enactment of
3 the Ecosystem Management Act of 1994, a report
4 that contains the findings of the studies conducted
5 pursuant paragraph (1) and the recommendations
6 developed pursuant to paragraph (2).

7 “(f) MEETINGS.—

8 “(1) Not later than 180 days after the date of
9 enactment of the Ecosystem Management Act of
10 1994, the Commission shall hold its initial meeting.

11 “(2) Subsequent meetings shall be held at the
12 call of the Chairman.

13 “(g) QUORUM.—A majority of the members of the
14 Commission shall constitute a quorum, but a lesser num-
15 ber of members may hold hearings.

16 “(h) POWERS OF THE COMMISSION .—(1) The Com-
17 mission may hold such hearings, sit and act at such times
18 and places, take such testimony, and receive such evidence
19 as the Commission considers appropriate to carry out this
20 section.

21 “(2) The Commission may secure directly from any
22 Federal department or agency such information as the
23 Commission considers necessary to carry out the duties
24 of the Commission, specified in subsection (e). Upon re-
25 quest of the Chairman of the Commission, the head of

1 such Federal department or agency shall furnish such in-
2 formation to the Commission.

3 “(3) The Commission may use the United States
4 mails in the same manner and under the same conditions
5 as other Federal departments or agencies.

6 “(4) The Commission may accept, use, and dispose
7 of gifts or donations of services or property.

8 “(i) PERSONNEL AND SERVICES.—The Secretary
9 shall detail without reimbursement such personnel, and
10 provide such services without reimbursement to the Com-
11 mission as the Commission may require to carry out the
12 duties specified in subsection (e). An employee of the Fed-
13 eral Government detailed to the Commission under this
14 subsection shall serve without interruption or loss of civil
15 service status or privilege.

16 “(j) TRAVEL EXPENSES.—The members of the Com-
17 mission shall be allowed travel expenses, including per
18 diem in lieu of subsistence, at rates authorized for employ-
19 ees of agencies under subchapter I of chapter 57 of title
20 5, United States Code, while away from their homes or
21 regular places of business in the performance of services
22 for the Commission.

23 “(k) ADVISORY COMMITTEE.—(1) Not later than 90
24 days after the date of enactment of the Ecosystem Man-
25 agement Act of 1994, the Secretary shall establish an Eco-

1 system Management Advisory Committee (referred to in
2 this section as the ‘Advisory Committee’) to assist the
3 Commission in preparing and reviewing the report re-
4 quired by subsection (e)(3).

5 “(2) The Secretary shall appoint 13 members to the
6 Advisory Committee by the date specified in paragraph (1)
7 as follows:

8 “(A) Two members shall be selected from nomi-
9 nations submitted by tribal organizations located in
10 States that have a significant amount of public lands
11 (as determined by the Secretary).

12 “(B) Three members shall be officials of a gov-
13 ernment of a State or political subdivision of a State
14 or a community organization (as determined by the
15 Secretary) selected from nominations from the Gov-
16 ernors of States described in subparagraph (A) or
17 from the Western Governors Association.

18 “(C) Two members shall be representatives of
19 conservation groups who have substantial experience
20 and expertise in public land policies.

21 “(D) Two members shall be representatives of
22 industrial concerns who have substantial experience
23 and expertise in public land policies.

1 “(E) Two members shall be representatives of
2 scientific or professional societies who are familiar
3 with the concept of ecosystem management.

4 “(F) Two members shall be representatives
5 from the legal community with recognized legal ex-
6 pertise in the areas of—

7 “(i) constitutional or land use law; and

8 “(ii) public land policy.

9 “(3) The Advisory Committee shall select a Chairman
10 from among the members of the Advisory Committee.

11 “(4) The Advisory Committee shall hold an initial
12 meeting not later than 30 days after the Commission holds
13 its initial meeting pursuant to subsection (f)(1). Subse-
14 quent meetings shall be held at the call of the Chairman.

15 “(5) The Advisory Committee shall have same au-
16 thorities granted to the Commission under paragraphs (1)
17 through (4) of subsection (h).

18 “(6) The members of the Advisory Committee shall
19 be allowed travel expenses, including per diem in lieu of
20 subsistence, at rates authorized for employees of agencies
21 under subchapter I of chapter 57 of title 5, United States
22 Code, while away from their homes or regular places of
23 business in the performance of services for the Advisory
24 Committee.

1 “(l) TERMINATION OF COMMISSION AND ADVISORY
2 COMMITTEE.—The Commission and Advisory Committee
3 shall terminate on the date that is 30 days after the Com-
4 mission submits a report to the Secretary and to Congress
5 under subsection (e)(3).

6 “(m) EXEMPTION FROM FEDERAL ADVISORY COM-
7 MITTEE ACT.—The Federal Advisory Committee Act (5
8 U.S.C. App.) shall not apply to the Commission or to the
9 Advisory Committee.

10 “(n) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to the Department of
12 the Interior \$10,000,000 to carry out this section.”.

13 **SEC. 3. CONFORMING AMENDMENTS.**

14 (a) AMENDMENT TO TABLE OF CONTENTS.—The
15 table of contents at the beginning of the Federal Land
16 Policy and Management Act of 1976 is amended by add-
17 ing at the end of the items relating to title II the following
18 new items:

“Sec. 215. Authority with respect to certain withdrawals.

“Sec. 216. Ecosystem management.

“Sec. 217. Ecosystem Management Commission.”.

19 (b) TECHNICAL AMENDMENT.—Before section 215 of
20 such Act (43 U.S.C. 1723) insert the following new head-
21 ing:

22 “AUTHORITY WITH RESPECT TO CERTAIN
23 WITHDRAWALS”.